

JUL 30 2007

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MARK TODD SHOWALTER,
Plaintiff,

v.

DIRECTOR, VIRGINIA
DEPARTMENT OF CORRECTIONS,
Defendants.

Civil Action No. 7:07-cv-00367

MEMORANDUM OPINION

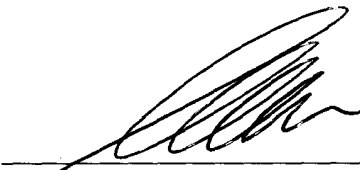
By: Samuel G. Wilson
United States District Judge

Plaintiff Mark Todd Showalter, a Virginia inmate proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983. This court has dismissed three previous actions filed by Showalter pursuant to 28 U.S.C. § 1915A(b)(1).¹ Therefore, Showalter may not proceed with this action unless he either pays the \$350.00 filing fee or shows that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

As Showalter has neither prepaid the filing fee nor demonstrated that he is “under imminent danger of serious physical injury,”² the court dismisses his complaint without prejudice.³

The Clerk is directed to send a certified copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 30th day of July, 2007.


United States District Judge

¹ See Showalter v. Mussleman, Civil Action No. 7:99cv00293 (W.D. Va. June 28, 1999); Showalter v. Commission, Civil Action No. 7:96cv00127 (W.D. Va. February 8, 1996); Showalter v. DOC Director, Civil Action No. 7:96cv00113 (W.D. Va. February 6, 1996).

² Furthermore, the court notes that Showalter now raises substantially similar allegations to those raised in Showalter v. Director, Virginia Department of Corrections, Civil Action No. 7:05cv 00651 (W.D. Va. November 2, 2005), which the court individually addressed and dismissed pursuant to 28 U.S.C. § 1915A(b)(1).

³ The court has previously notified Showalter that he may not file civil actions in this court unless he either pays the filing fee or demonstrates that he is under imminent danger of serious physical injury. Therefore, the court will not give Showalter additional time to pay the filing fee or amend his complaint.